

CARLSMITH BALL LLP

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Attorneys for Defendant and  
Third-Party Plaintiff, Bank of Hawaii

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

LAW OFFICE OF

DOUGLAS F. CUSHNIE,  
a sole proprietorship, and  
DOUGLAS F. CUSHNIE,  
individually,

Plaintiffs,

vs.

BANK OF HAWAII, and  
MARY ROE and JOHN DOE,

Defendants.

CIVIL ACTION NO. 07-0020

DECLARATION OF JOHN D. OSBORN

BANK OF HAWAII,

Third-Party Plaintiff,

vs.

LUCY M. DL GUERRERO,

Third-Party Defendant.

I, John D. Osborn, declare:

1 1. I am a partner in the Saipan office of Carlsmith Ball LLP, attorneys of record for  
2 Defendant and Third Party Plaintiff Bank of Hawaii. I have personal knowledge of the matters  
3 stated herein and would be competent to testify to same if called upon to do so.

4 2. Defendant and Third Party Plaintiff filed in this cause a Third Party Complaint against  
5 the Third Party Defendant Lucy M. DL Guerrero on October 25, 2007.

6 3. Examination of the court files and records in this cause shows the Third Party Defendant  
7 Lucy M. DL Guerrero was served with summons, together with a copy of the Third Party  
8 Complaint, on November 3, 2007.


9 4. More than 20 days have elapsed since the date on which the Third Party Defendant was  
10 served with summons and a copy of the Third Party Complaint.

11 5. The Third Party Defendant has failed to answer or otherwise defend as to Defendant and  
12 Third Party Plaintiff's Third Party Complaint, or serve a copy of any answer or other defense that  
13 she might have had, upon Carlsmith Ball LLP, attorneys of record for Defendant and Third Party  
14 Plaintiff.

15 6. This declaration is executed by me in accordance with Rule 55(a) of the Federal Rules of  
16 Civil Procedure, for the purpose of enabling the Defendant and Third Party Plaintiff to obtain an  
17 entry of default against the Third Party Defendant, for her failure to answer or otherwise defend  
18 as to the Defendant and Third Party Plaintiff's Complaint.

19 7. I declare under penalty of perjury that the foregoing is true and correct and I make this  
20 declaration on the date set forth below on Saipan, Commonwealth of the Northern Mariana  
21 Islands.

22  
23 DATED: Saipan, MP, March 13, 2008

  
JOHN D. OSBORN